

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC

In the matter of:)	
)	
LPTV, TV Translator and FM Broadcast Station)	MB Docket No. 18-214
Reimbursement)	
)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through Incentive)	
Auctions)	

COMMENTS OF REC NETWORKS

1. Founded in 1984, REC Networks (REC) is a leading advocacy voice for a citizen’s access to spectrum through broadcast and other radio services. REC’s constituency includes but is not limited to Low Power FM (LPFM), rural commercial and noncommercial broadcasting and non-broadcast services such as the Amateur Radio Service. In these *Comments*, REC will address the issues raised by the commenters responding to the *Notice of Proposed Rulemaking (NPRM)* in the above captioned proceeding released on August 3, 2018.

2. When Congress amended Section 6403 of the Spectrum Act, it expanded reimbursement eligibility to include “FM broadcast stations”.¹ The Commission has interpreted the amendment to the statute that “FM broadcast stations” also includes LPFM stations.²

3. While REC is not specifically aware of any LPFM stations that are being directly threatened with displacement by tower owners as a result of other stations needing to relocate as a result of the repack, the possibility is always there and we cannot assume that LPFM stations will be immune from the impacts of the repack.

¹ - See *Consolidated Appropriations Act, 2018*, Pub L. 115-141, at Division E, Title V, § 511, 132 Stat. 348 (2018) (codified at 47 U.S.C. § 1452(j)-(n)) (“Appropriations Act”).

² - NPRM at ¶ 24.

4. LPFM stations are FM broadcast stations. LPFM stations originate programming; they are also required to be equipped with Emergency Alert System decoders and they have a set of responsibilities as broadcasters. They just happen to have secondary access to the spectrum. This is no different than Class D noncommercial educational (NCE) broadcast stations. In addition, the Audio Division has already determined that any general statement about a “broadcast station” can be interpreted to also encompass LPFM.³ This interpretation is distinguishable to the language used in the Local Community Radio Act of 2010, which distinguishes with the use of the classifications “full-service FM station”, “low-power FM station”, “FM translator station” and “FM booster station”.⁴

5. Conclusion. The Commission has properly concluded that because the language in the Appropriations Act that broadly refers to “FM broadcast stations” also includes LPFM stations. REC also interprets the statutory language to also include Class D (Secondary) NCE stations. LPFM and Class D stations that are displaced as a result of the repack should be eligible for reimbursement from the fund in accordance with the Rules and procedures. REC supports the Commission’s interpretation in the NPRM.

Respectfully submitted,

/S/

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³ - See *Centro Cristiano de Vida Eterna*, BMPFT-20161005ABT, et al; Letter from Peter Doyle (December 12, 2017) at 3 (“Although Subsection (F) does not explicitly state that its protection extends to LPFM stations, its plain language refers broadly to “any station”...”); see also *Id.* at Note 20 (“This is not to say that additional rules, embodied in other Parts of the Rules such as protections by translators may not also apply to the LPFM service.”)

⁴ - Pub. L. No. 111-371, 124 Stat. 4072 (2011) at §3(a), §3(b) and §5(3).